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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,431	07/14/2005	Yasuharu Yamauchi	SONYJP 33-1058	2750
530 7590 09/03/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER NWAKAMMA, CHIBUTKE K	
			ART UNIT 2627	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/542,431

**Applicant(s)**

YAMAUCHI, YASU HARU

**Examiner**

CHIBUIKE K. NWAKAMMA

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/12/2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 12 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CDC)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Sako et al (US 6947362 B2).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Sako discloses a recording method for recording data in a recording media by a recording device (Figs. 2, 4, 6-7), said recording method comprising the steps of: reading identifying information which identifies the recording media from the recording media (Figs. 5-11 and col. 11, lines 7-10; Bar code is an identifying information); and recording the data on the recording media only when the

read identifying information is the same as stored identifying information which was stored in the recording device (Figs. 5-11 and col. 11, lines 7-16).

Regarding claim 6, A recording method for recording data on a recording media (Fig. 3) by a recording device (Fig. 2), said recording method comprising the steps of: discriminating whether identifying information which identifies a recording media is recorded on the recording media (Fig. 4 and col. 9, lines 17-18); preparing the identifying information when the identifying information is not recorded on the recording media as a result of the step of discriminating (Fig. 4 and col. 9, lines 18-24. It is clear apparatus ID is formed before the write operation write apparatus ID onto disk) ; recording the prepared identifying information and the data on the recording media (Fig. 2, element 14, Fig. 4, element S12 and col. 9, lines 18-24, col. 8, lines 49-50); storing the discriminated identifying information in the recording device (Fig. 2, element 12, Fig. 4 and col. 9, lines 18-24...write the apparatus ID stored in the ROM; col. 8, lines 41-45); reading the identifying information from the recording media when the identifying information is recorded on the recording media as a result of the step of discriminating (Fig. 5; and col. 9, lines 30-36) ; and recording (Fig. 7) the data in the recording media when the identifying information read from the recording media is the same as the identifying information which was stored in the recording device (Fig. 5 and col. 9, lines 37-40; it is clear to record data [i.e., write read data] when ID is the same [Fig. 5]), and not recording the data in the recording media when the identifying information read from the recording media is different from the identifying information which was stored in the recording device (col. 9, lines 42-47 and col. 14, lines 49-51).

3. Claims 3-5, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Sako et al (US 6134201).

Regarding claim 3, Sako discloses a recording method for recording data in a recording media by a recording device, said recording method comprising the steps of: preparing (col. 9, lines 31-37) identifying information which identifies the recording media when the identifying information not recorded on the recording media (col. 7, line 57-col. 8, line 4 and col. 3, lines 4-9...if identification information does not exist); recording (col. 3, lines 4-9) the prepared identifying information and the data on the recording media when the identifying information was not previously stored on the recording media (col. 9, lines 31-37); and storing the prepared identifying information in the recording device (Fig. 8, element 418 and col. 7, lines 38-40; col. 9, lines 31-36).

Regarding claim 4, Sako ('201) further discloses wherein the step recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media (col. 2, line 60-col. 3, line 30).

Regarding claim 5, Sako discloses the recording method according to claim 3, wherein the identifying information is prepared based on the information peculiar to the recording device (Figs. 8-10 and col. 9, lines 31-39).

Regarding claim 17, Sako ('201) discloses a reproducing method comprising the steps of: reading identifying information (encoder ID) and data (encoded data) from a recording media D in which the identifying information identifies the recording media and in which the identifying information (encoder ID) and the data encoded (encoded data) based on the identifying information are recorded (Figs. 1-2 and col. 3, lines 4-8; col. 2, lines 50-54); decoding the read data to produce reproducing data based on the read identifying information (Fig. 2, element 8; encoded data is generated/read from the reading unit, so it reads as read data which is decode to produce reproduced data and encoder ID read as read identifying information as it is read from the reading unit); and performing a reproduction using the reproducing data (Fig. 4 and col. 3, lines 60-61 and 65-67).

Claim 18 is an apparatus claim correspondent to method claim 17. Therefore, claim 18 is analyzed and rejected as previously discussed with respect to claim 17.

Regarding claim 19, Sako ('201) discloses a recording media in which data is recorded and identifying information which identifies the recording media that is stored in a device used for recording the data is recorded (Fig. 4, element D; Figs. 1 and 6; Fig. 8, element 418).

***Claim Rejections – 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako et al (US 6947362 B2) in view of Sako et al (US 6134201).

Regarding claim 2, Sako ('362) discloses the recording method according to claim 1. But, does not disclose wherein the step of recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media. Sako ('201) discloses wherein the step of recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media (col. 2, line 60-col. 3, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('362) to include the teachings of Sako ('201) where encoding the data by key data is formed by using the identifying information, and recording the encoded data in the recording media. The modification would have been obvious for the benefit of enabling the process hysteresis of the record medium to be detected when the identification information is confirmed and to prevent copying of data from the record medium (Sako '201; col. 3, lines 5-10).

Regarding claim 7, Sako ('362) discloses the recording method according to claim 6. But, does not disclose wherein the step of recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media. Sako ('201) discloses wherein the step recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media (col. 2, line 60-col. 3, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('362) to include the teachings of Sako ('201) where encoding the data by key data is formed by using the identifying information, and recording the encoded data in the recording media. The modification would have been obvious for the benefit of enabling the process hysteresis of the record medium to be detected when the identification information is confirmed and to prevent copying of data from the record medium (Sako '201; col. 3, lines 5-10).

Regarding claim 8, Sako ('362) discloses the recording method according to claim 6. But does not disclose identifying information is prepared. Sako ('201) discloses wherein the identifying information is prepared based on the information peculiar to the recording device (Figs. 8-10 and col. 9, lines 31-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('362) to include the teachings of Sako ('201) where identifying information is prepared based on the information peculiar to the recording device, so, to ensure compatibility and enhance security of information.



Regarding claim 9, Sako ('362) discloses a recording device (Fig. 9) for recording data in a recording media; said recording device comprising: reading means (Fig. 5 and Fig. 9, element 31) for reading from the recording media identifying information (bar code) which identifies the recording media (col. 11, lines 8-16 and col. 9, lines 30-36); and discriminating means (Fig. 9, element 11) for discriminating whether the identifying information read by the reading means (Fig. 9, element 31) is the same as stored identifying information which was stored in the storing means (col. 11, lines 8-16), wherein when the discriminating means (Fig. 9, element 11) discriminates that the identifying information read by the reading means (Fig. 9, element 31) is the same as the stored identifying information which was stored in the storing means (col. 11, lines 8-16), the data is recorded in the recording media (Fig. 7 and col. 9, lines 37-40); and wherein when the discriminating means (Figs. 2, 9, element 11) discriminates that the identifying information read by the reading means is different from the stored identifying information which was stored in the storing means, the data is not recorded in the recording media (col. 9, lines 42-47 and col. 14, lines 49-51); and storing means (Fig. 9, element 12), however, does not disclose for storing the identifying information. Sako ('201) discloses storing means for storing the identifying information (Fig. 8, element 418). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('362) to include the teachings of Sako ('201) by providing a storing means for storing the identifying information so, to identify information specific to the recording media via ID.

Regarding claim 10, Sako ('362) discloses the recording device according to claim 9. But, does not disclose wherein the data is encoded by key data formed by using the identifying information and the encoded data is recorded in the recording media. Sako ('201) further discloses wherein the data is encoded by key data formed by using the identifying information and the encoded data is recorded in the recording media (col. 2, line 60-col. 3, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('362) to include the teachings of Sako ('201) where encoding the data by key data is formed by using the identifying information, and recording the encoded data in the recording media. The modification would have been obvious for the benefit of enabling the process hysteresis of the record medium to be detected when the identification information is confirmed and to prevent copying of data from the record medium (Sako '201; col. 3, lines 5-10).

11. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako et al (US 6134201) in view of Sako et al (US 6947362 B2).

Regarding claim 11, Sako ('201) discloses a recording device (Fig. 4) for recording data in a recording media, said recording device comprising: discriminating means for discriminating whether identifying information which identifies the recording media is recorded in the recording media (col. 7, line 55-col. 8, line 58. Medium ID identifies the recording media and the processes of determining whether or not the

information storage medium has been set to the information storage reading unit and/or whether or not an instruction to display the table of contents has been issued read as discriminating means); preparing means (Fig. 8, element 419) for preparing the identifying information (col. 9, lines 31-39); storing means for storing the identifying information (Fig. 8, element 418); wherein the prepared identifying information is stored in the storing means (Fig. 8, element 418) and the prepared identifying information and the data are recorded in the recording media (Fig. 8, elements 418, 412, 416-417; Figs. 1 and 4). Sako ('201) does not disclose wherein discriminating means discriminates that the identifying information is not recorded in the recording media. Sako ('362) discloses wherein discriminating means discriminates that the identifying information is not recorded in the recording media (Fig. 4 and col. 9, lines 18-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('201) to include the teachings of Sako ('362) to have the situation of when the discriminating means discriminates that the identifying information is not recorded in the recording media, the preparing means prepares the identifying information. The modification would have been obvious for the benefit of performing a recording operation when ID is recorded on disk (Sako '362; col. 14, lines 48-50).

Regarding claim 12, Sako ('201) further discloses wherein the data is encoded by key data formed by using the identifying information and the encoded data is recorded in the recording media (col. 2, line 60-col. 3, line 30).

Regarding claim 13, Sako ('201) further discloses wherein the preparing means prepares the identifying information based on information peculiar to the recording device (Figs. 8-10 and col. 9, lines 31-39).

Regarding claim 14, Sako ('201) discloses a recording device (Fig. 4) for recording data in a recording media, said recording device comprising: reading means (Fig 6 and Fig. 8, element 417) for reading from the recording media 301 identifying information which identifies the recording media (col. 7, line 62-col. 8, line 4); preparing means (Fig. 8, element 419) for preparing the identifying information (col. 9, lines 31-39); and storing means (Fig. 8, element 418) for storing the identifying information, wherein when the reading means (Fig. 8, element 417) discriminates that the identifying information is not recorded on the recording media (col. 3, lines 4-9), the preparing means prepares the identifying information (Fig. 8, element 419 and col. 9, lines 31-39), the prepared identifying information and the data are recorded in the recording media (Fig. 1; col. 9, lines 31-39 and col. 7, lines 62-67), and the prepared identifying information is stored in the storing means (Fig. 8, element 417 and col. 7, line 62-col. 8, line 4). But, does not teach when the reading means discriminates that the identifying information is recorded in the recording media, the data is recorded on the recording media. Sako ('362) teaches when the reading means discriminates that the identifying information is recorded in the recording media (col. 9, lines 14-18), the data is recorded on the recording media (Fig. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako ('201) to

include the teachings of Sako ('362) when the reading means discriminates that the identifying information is recorded in the recording media (col. 9, lines 14-18), the data is recorded on the recording media, so, to record information in a safe manner that relates to the identifying information.

Regarding claim 15, Sako ('201) further discloses wherein the data is encoded by key data formed by using the identifying information and the encoded data is recorded in the recording media (col. 2, line 60-col. 3, line 30).

Regarding claim 16, Sako ('201) further discloses wherein the preparing means prepares the identifying information based on information peculiar to the recording device (Figs. 8-10 and col. 9, lines 31-39).

### ***Response to Arguments***

12. Applicant's arguments filed 12 May 2008 with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIBUIKE K. NWAKAMMA whose telephone number is (571)270-3458. The examiner can normally be reached on Mon-Thur and Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 5712727579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. K. N./  
Examiner, Art Unit 2627

23 August 2008

/HOA T NGUYEN/  
Supervisory Patent Examiner, Art Unit 2627